



# UNITED STATES PATENT AND TRADEMARK OFFICE

W  
H  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,711	09/30/2000	C. Douglas Thomas	WCT200-20	3057
27833	7590	04/10/2006	EXAMINER	
TECHNOLOGY, PATENTS AND LICENSING, INC. 2003 South EASTON ROAD SUITE 208 DOYLESTOWN, PA 18901			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/677,711	THOMAS, C. DOUGLAS
	<b>Examiner</b>	<b>Art Unit</b>
	Paul H. Kang	2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 3,4,6,9,14,15,17,19,20 and 31-36.

Claim(s) withdrawn from consideration: None.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments filed March 23, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The definiteness of the language employed must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art since the applicant may then amend his claims, the thought being to reduce the possibility that after a patent is granted the claims may be interpreted as giving broader coverage than is justified.

The applicants argued in substance that:

A) "Angles does not disclose the use of 'demographic information that preserves the anonymity of the user.' Angles' system collects a broad scope of demographic data, including an explicitly disclosure of sensitive information, such as important account numbers. The collection of such information is both financially risky – inasmuch as this data can be manipulated by others to the great financial detriment of the registrant – and invasive of the registrant's privacy, since such data can be used to learn a great deal of detail about the registrant, much of which is considered socially, legally, and morally inappropriate. The invention of independent claim 3,

however, is different than Angles in that the retrieved demographic information preserves the anonymity, such as account numbers, addresses, identification numbers, etc., is not retrieved. In this fashion both the user's privacy is protected. Angles does not disclose this layer of protection, and proceeds to collect as much data as possible, including data that does not protect the user's anonymity." (emphasis original) See Remarks, page 9.

The examiner respectfully disagrees with the applicants. The claims recite "a centralized demographic server that retrieves demographic information via direct input from a user, the demographic information preserving the anonymity of the user." (emphasis added). See Claim 3. How the anonymity of the user is preserved is not recited in the claims, e.g. that the retrieved demographic information preserves the anonymity, such as account numbers, addresses, identification numbers, etc., is not retrieved. Angles, as relied upon in the final rejection, protects the anonymity of the user by creating and assigning a consumer member code 22. Once demographic data is entered by the user, it is stored as a profile on the registration database 68 and referenced through the consumer member code. This level of protection is deemed to be within the anticipated scope of the claimed invention. It is also worth noting the claims also do not recite the types of demographic information is excluded. For instance, the claims merely require that the demographic information does not reveal the requestor's identity. Claim 31.

B) "Angles does also not disclose 'a computer associated with the user that stores the demographic information input by the user.' Instead, Angles teaches that the registration module 60 stores the demographic data in the registration database 68. The registration database in Angles is not a user computer. Angles' strategy of storing demographic data for multiple

registrants leaves Angles' invention vulnerable to inappropriate access to demographic information. However, in the invention of independent claim 3, the demographic information input by the user is stored on the user's computer, such that the user's information is better protected. Angles' system does not provide these features. See Remarks, pages 9-10.

The examiner respectfully disagrees. The claims do not require, as applicants seem to argue, that the demographic information input by the user is stored only on the user computer. The claims recite "a centralized demographic server that retrieves demographic information via direct input from a user." Claim 1. The demographic information is retrieved, and therefore stored, on the centralized demographic server. Further, the cookie having the consumer member code and stored in the user computer is viewed as demographic information, sufficient to anticipate the claimed limitations.

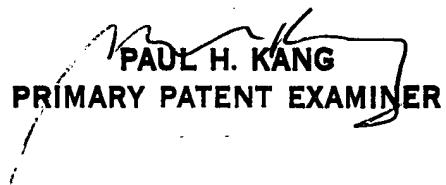
C) "Additionally, Angles does not disclose, 'utilize[ing] the stored demographic information from the [consumer's] computer.' In Angles, a copy of a consumer member code 22, stored on the consumer computer 12 in the form of a 'cookie', keys access to the registration database 68. Thus, full access to the Angles' consumer demographic data requires accessing the registration database 68 – not merely the consumer computer 12. In contrast, in independent claim 3, the demographic information is obtained from the consumer's computer, such that additional access to remote location to obtain the demographic data is not required. Since Angles does not disclose all of the elements recited in independent claim 3, independent claim 3 is believed to be allowable over Angles." Remarks, page 10.

Again, the invention as claimed is not limited "such that additional access to remote location to obtain the demographic data is not required." The merely recite "wherein content server utilizes the stored demographic information from the computer to customize at least one web page request by the user." Claim 1. Angles teaches this. In Angles, the information in the cookie is utilized to customize at least one web page request by the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PAUL H. KANG  
PRIMARY PATENT EXAMINER